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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: PHILIP LUELSDORFF

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15 Monday, April 18, 2022

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17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 2:02 p.m.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED] STAFF ASSOCIATE

9 [REDACTED] PROFESSIONAL STAFF MEMBER

10 [REDACTED] INVESTIGATIVE COUNSEL

11 [REDACTED] PARLIAMENTARIAN

12

13

14 For THE WITNESS:

15

16 LESLIE MCADOO GORDON

17 McAdoo Gordon & Associates, P.C.

18 1140 19th St NW #602

19 Washington, D.C. 20036

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2 [REDACTED] We'll go on the record at 2:01 p.m. Good afternoon. This is a
3 deposition of Philip Luelsdorff conducted by the House Select Committee to Investigate
4 the January 6th Attack on the United States Capitol, pursuant to House Resolution 503.

5 Mr. Luelsdorff, can you please state your full name and spell your name for the
6 record.

7 The Witness. Sure. Philip Alexis Luelsdorff. Last name is L-u-e-l-s-d-o-r-f-f.
8 First name Philip, P-h-i-l-i-p. Alexis, A-l-e-x-i-s.

9 [REDACTED] Thank you, Mr. Luelsdorff.

10 The Witness. You're welcome.

11 [REDACTED] At this time, Mr. Luelsdorff, can you please raise your right hand
12 to be sworn by the official reporter.

13 The Reporter. Do you solemnly declare and affirm under the penalty of perjury
14 that the testimony you are about to give will be the truth, the whole truth, and nothing
15 but the truth?

16 The Witness. I do.

17 The Reporter. Thank you.

18 [REDACTED] Thank you, Mr. Luelsdorff. This will be a staff-led deposition
19 today, although members of the select committee may choose to ask questions. My
20 name is [REDACTED] I'm an investigative counsel with the committee. Other
21 select committee staff joining me today are [REDACTED] professional staff member;
22 [REDACTED] parliamentarian; and [REDACTED] staff associate.

23 There are currently no members of the select committee in attendance, and I will
24 announce any additional participants if they join.

25 I'd like to note for the record that what has previously been marked as exhibit 1 is

1 the subpoena for Mr. Philip Luelsdorff, which is dated April 1st, 2022. The House
2 deposition rules are included in this exhibit and were provided to you upon service of the
3 subpoena.

4 Under the House deposition rules, you are permitted to have an attorney present.
5 And, at this time, can counsel for the witness please state her full name.

6 Ms. Gordon. Yes. My name is Leslie McAdoo Gordon. I am Mr. Luelsdorff's
7 attorney. I am licensed to practice law in the District of Columbia, the State of
8 Maryland --

9 [REDACTED] Oh, Ms. Gordon, I think your audio cut out just at the end there.

10 Ms. Gordon. Can you hear me now? Again, I am Leslie McAdoo Gordon. I am
11 Mr. Luelsdorff's attorney; licensed to practice law in Maryland, D.C., and Virginia.

12 [REDACTED] Thank you. Ms. Gordon.

13 Mr. Luelsdorff, I also want to remind you, as we do with all witnesses, that it is
14 unlawful to deliberately provide false information to Congress. Providing false
15 information to Congress could result in criminal penalties, including both perjury and/or
16 providing false statements.

17 Under House deposition rules, you may only refuse to answer a question to
18 preserve a privilege recognized by the select committee. If you refuse to answer a
19 question based on a privilege, staff may either proceed with the deposition on other
20 questions or seek a ruling from the chairman on the objection. If the chairman
21 overrules your objection, you will be required to answer the question.

22 I'll note for the record that we received a letter from your attorney on Friday
23 regarding your objections based on the First and Fifth Amendments. That letter has
24 been marked as exhibit 14 and will be entered into the record. Ms. Gordon, you can
25 expect a response from the select committee shortly, and I'll be in touch with you on that.

1 Ms. Gordon. Fantastic.

2 [REDACTED] Mr. Luelsdorff, my goal today is to ask questions relevant to the
3 select committee's inquiry with the hope that you will answer. If you have an objection
4 or a privilege assertion, I'll ask that you or your counsel state it for the record. I'll seek
5 to clarify the basis for each objection.

6 I understand from the letter from your attorney that you may invoke the First or
7 Fifth Amendment or both in response to some of our questions. Be that as it may, I will
8 say that our goal is to understand the basis for your objection and fairly evaluate it.
9 Ultimately, the more detail you can provide about the basis for the objection, the easier it
10 will be for the select committee to consider the objection.

11 In addition, under the House deposition rules, select committee members and
12 select committee staff may not discuss the substance of testimony you provide today,
13 unless the committee approves release. You and your attorney will have an opportunity
14 to review the transcript. No other recordings of this proceeding are permitted.

15 Mr. Luelsdorff, can you please confirm that you're not making a recording of this
16 deposition?

17 The Witness. I am not.

18 [REDACTED] Thank you. Before we dive in, I'll just describe a couple of
19 logistics. There is an official congressional reporter who is transcribing the record of this
20 deposition. As you saw, the reporter is also joining us by Webex.

21 Please wait until each question is completed before you begin your response, and
22 we will try to wait until your response is complete before we ask our next question. The
23 reporter can't record nonverbal responses, such as shaking your head. So it's important
24 that you answer each question with an audible, verbal response.

25 For the benefit of the reporter and for the record, there may be times where I

1 spell a name or a word that we're using or ask you to do the same.

2 We ask that you provide complete answers based off of your best recollection. If
3 the question is not clear, please ask for clarification. And if you don't know the answer,
4 please simply say so. Also, please let me know if you need any breaks.

5 Throughout the deposition, we'll be directing your attention to exhibits, which will
6 be displayed on the screen in front of you. When we refer you to a document, you can,
7 of course, take time to familiarize yourself with it before we discuss it.

8 And, on that note, [REDACTED] can we please pull up exhibit 1.

9 EXAMINATION

10 [REDACTED]

11 Q Mr. Luelsdorff, do you recognize this as the subpoena the select committee
12 issued to you?

13 A I decline to answer on the grounds that the committee's deposition process
14 violates the Rules of the United States House of Representatives and based on my rights
15 under the First and Fifth Amendments to the United States Constitution.

16 Q Mr. Luelsdorff, do you understand that you're appearing for this deposition
17 pursuant to the subpoena?

18 A I decline to answer to the grounds that the committee's deposition process
19 violates the Rules of the United States House of Representatives and based on my rights
20 under the First and Fifth Amendments to the United States Constitution.

21 Q Mr. Luelsdorff, I'll be leading the deposition today, but one of the other
22 attorneys on the call may also chime in with questions.

23 And, [REDACTED] we can take the exhibit down.

24 Ms. Gordon, for the benefit of the record, would you please elaborate on the
25 objections that Mr. Luelsdorff raised?

1 Ms. Gordon. Sure. I'll be happy to. Can you hear me before I start? Okay.
2 Great. So my objection to those set forth in my letter, which --

3 [REDACTED] Oh, Ms. Gordon --

4 Ms. Gordon. I cut out?

5 [REDACTED] Your audio is going in and out.

6 Ms. Gordon. Can you hear my now?

7 [REDACTED] Yes.

8 Ms. Gordon. I'll hold the spacebar down. Okay. So the basis of the
9 objections is stated in my letter of last week; April 15th -- 14th was the date letter. And,
10 as we previously discussed, it is based on the fact that Mr. Luelsdorff is being deposed as
11 a member of a civil liberties group, which has First Amendment rights, in addition to his
12 own personal First Amendment and Fifth Amendment rights. And so the legal basis for
13 the objections and privileges is set forth in that letter, I think, completely stated.

14 There is also in that letter an objection based on the rules, as you have heard Mr.
15 Luelsdorff say -- don't think that the committee is complying with the Rules of the House
16 of Representatives for purposes of conducting the deposition.

17 [REDACTED] Great. And the Fifth Amendment objection? I'm sorry. Did
18 you mention that?

19 Ms. Gordon. So can you hear me?

20 [REDACTED] Yes.

21 Ms. Gordon. So the Fifth Amendment objection is based on results stated in the
22 letter. It's based on the committee's view that there is potential criminal exposure for
23 various persons as described in their recent pleading in a Federal district court case in
24 California. It is the committee's theory of criminality, not our own, that is the basis for
25 that objection.

1 [REDACTED] Thank you for clarifying that, Ms. Gordon.

2

BY [REDACTED]

3 Q Mr. Luelsdorff, for the purposes of moving along efficiently during this
4 deposition, I am happy to offer the option of simply stating "First and Fifth" if your
5 intention is to raise objections based on those privileges.

6 A I understand.

7 Ms. Gordon. And what we're going to do I think is have him say "Rules, First, and
8 Fifth," as we did with Mr. Lewis because we do have that technical rules objection. So, if
9 you're agreeable, [REDACTED] we'll say "Rules, First, and Fifth."

10 [REDACTED] That is fine with me. I will just note that, under the House
11 deposition rules, witnesses can only refuse to respond to questions based off of
12 privileges that are recognized by the select committee. And the rules objection that you
13 raised is not one of the recognized privileges. And, as I stated earlier, we're going to
14 respond to your letter. Given that Mr. Luelsdorff is also asserting the First and Fifth
15 Amendment privileges, I don't see a problem with just looping your rules objection into
16 that, given that he is already raising a privilege that we recognize. But I will note that for
17 the record.

18 Ms. Gordon. I understand --

19 The Reporter. There is no audio.

20 [REDACTED] There is an alternative option. There is a call-in number for this
21 meeting as well. So, if you would like to use your phone to call in for audio, that would
22 work as well.

23 [REDACTED] Why don't we go off the record while we resolve this at 2:12
24 p.m.?

25 [Discussion off the record.]

1 [REDACTED] Let's go back on the record.

2 And, Ms. Gordon, we had just been discussing the shorthand that -- the shorthand
3 option of Mr. Luelsdorff raising objections. And are you amenable to that?

4 Ms. Gordon. Yes. And I was making the point that I'm not saying that you are
5 agreeing with that, just that we're agreeing on the language to be used for the assertions
6 that we're making.

7 [REDACTED] Great.

8

BY [REDACTED]

9 Q All right. Well, Mr. Luelsdorff, I have some questions that I would like to
10 get through, and we'll go ahead and get that started now.

11 But, first, Mr. Luelsdorff, I understand from your attorney that there are two
12 separate organizations that are known as First Amendment Praetorian, with one being a
13 nonprofit organization and one being a for-profit organization. I also understand from
14 my conversations with your attorney that it is the nonprofit organization known as 1AP,
15 Inc., that is the relevant entity with regard to January 6th.

16 And, Ms. Gordon, I understand that you'll be sending us a briefing paper in short
17 order regarding the divisions of the two organizations, correct?

18 Ms. Gordon. I do. On behalf of the organization, I will say Mr. Luelsdorff is not
19 an appropriate witness for that kind of a question. He is, as I said before, he is a
20 member, not an officer, of the organization.

21 [REDACTED] Okay. Thank you for clarifying that.

22

BY [REDACTED]

23 Q Mr. Luelsdorff, what exactly is your role in 1AP, Inc.

24 A "Rules, First, and Fifth."

25 Q Have you held any role since the organization was founded?

1 A "Rules, First, and Fifth."

2 Q Okay.

3 Mr. Luelsdorff, I'd like to start with just getting a little background on the history
4 of 1AP. Were you involved in the founding of First Amendment Praetorian? And, if so,
5 what was your role at the beginning?

6 A "Rules, First, and Fifth."

7 Q Mr. Luelsdorff, I have a set of questions about the founding of 1AP. Do you
8 intend to assert the First and Fifth Amendment in response to all questions the
9 committee would ask on that topic?

10 A "Rules, First, and Fifth," yes.

11 Q Okay. Since the founding of the organization, can you give me a general
12 sense of what activities 1AP has engaged in?

13 A "Rules, First, and Fifth."

14 Q Has 1AP provided security services, surveillance services, legal services, or
15 personal security services? And, if so, what does that entail?

16 A "Rules, First, and Fifth."

17 Q Mr. Luelsdorff, I have a set of questions about the general activities of 1AP.
18 Is it your intention to raise the First and Fifth Amendments in response to all questions
19 the committee would ask on that subject?

20 A "Rules, First, and Fifth."

21 Q You can simply say yes or no.

22 A Yes. "Rules, First, and Fifth."

23 Q Thank you. Mr. Luelsdorff, are you aware if 1AP gets compensated in funds
24 or in kind for providing those services?

25 A "Rules, First, and Fifth."

1 Q Are you aware if 1AP maintains organizational bank accounts or has
2 cryptocurrency accounts?

3 A "Rules, First, and Fifth."

4 Q Mr. Luelsdorff, I have other questions about the funding of 1AP. Is it your
5 intention to raise the First and Fifth Amendments in response to all questions the
6 committee would ask on those subjects?

7 A Yes. "Rules, First, and Fifth."

8 Q Thank you. Mr. Luelsdorff, does 1AP provide trainings or equipment to
9 members? And, if so, what does that entail?

10 A "Rules, First, and Fifth."

11 Q Mr. Luelsdorff, I have a set of questions about the resources and training
12 provided to 1AP members. Is it your intention to provide the First and Fifth in all
13 questions the committee would ask on that subject?

14 A Yes. "Rules, First, and Fifth."

15 Q Thank you. I would like to move on to the period just before the 2020
16 election. Were you or anyone affiliated with 1AP involved in providing security to
17 polling locations?

18 A "Rules, First, and Fifth."

19 Q In the period after the 2020 election, did you or 1AP help collect information
20 related to efforts to overturn the election results?

21 A "Rules, First, and Fifth."

22 Q Did you ever find credible evidence of election fraud?

23 A "Rules, First, and Fifth."

24 Q Did you have any relationship with Sidney Powell during this time?

25 A "Rules, First, and Fifth."

1 Q During the period after the 2020 election, did you or anyone affiliated with
2 1AP provide security at any "stop the steal" events around the country?

3 A "Rules, First, and Fifth."

4 Q What was your relationship with Ali Alexander during this time?

5 A "Rules, First, and Fifth."

6 Q What was your relationship with Alex Jones during this time?

7 A "Rules, First, and Fifth."

8 Q Same question for Tim Enlow?

9 A "Rules, First, and Fifth."

10 Q Same question for Cindy or Scott Chafian?

11 A "Rules, First, and Fifth."

12 Q Same question for Tracy Diaz?

13 A "Rules, First, and Fifth."

14 Q Did you or 1AP provide security for the rallies on November 14th, 2020, in
15 Washington, D.C.?

16 A "Rules, First, and Fifth."

17 Q Did you coordinate with any other individuals or organizations for those
18 events?

19 A "Rules, First, and Fifth."

20 Q Mr. Luelsdorff, I have a set of questions about the November 14th rallies in
21 Washington, D.C. Is it your intention to raise the First and Fifth Amendments in
22 response to any questions the committee would have on that subject?

23 A Yes. "Rules, First, and Fifth."

24 Q Did you or anyone affiliated with 1AP provide security for the rallies on
25 December 12th, 2020, in Washington, D.C.?

1 A "Rules, First, and Fifth."

2 Q Did you or anyone affiliated with 1AP provide personal security for Michael
3 Flynn?

4 A "Rules, First, and Fifth."

5 Q What was your relationship with Michael Flynn and Joseph Flynn during this
6 time?

7 A "Rules, First, and Fifth."

8 Q Did you or anyone affiliated with 1AP coordinate with Steward Rhodes or the
9 Oath Keepers in preparation for these events? And if so -- I'm sorry, and what was your
10 relationship with Steward Rhodes or the Oath Keepers during this time?

11 A "Rules, First, and Fifth."

12 Q The same question for Arina Grossu or Rob Weaver?

13 A "Rules, First, and Fifth."

14 Q Same question for Nick Fuentes and his America First or Groypers group?

15 A "Rules, First, and Fifth."

16 Q Mr. Luelsdorff, I have additional questions about the December 12th rallies
17 in Washington, D.C. Is it your intention to raise the First and Fifth Amendments in
18 response to any questions the committee would have on that subject?

19 A Yes. "Rules, First, and Fifth."

20 Q Okay. Let's move to January 2021, and let's pull up exhibit 6.

21 Mr. Luelsdorff, on January 4th, 2021, the 1AP Twitter account tweeted out, quote:
22 There may be some young National Guard Captains facing some very, very tough choices
23 in the next 48 hours.

24 Are you familiar with this tweet?

25 A "Rules, First, and Fifth."

1 Q What choices do you think the National Guard Captains would face?

2 A "Rules, First, and Fifth."

3 Q Okay. We can take the exhibit down.

4 Did you or 1AP provide security to anyone on January 5th, 2021?

5 A "Rules, First, and Fifth."

6 Q Did you or 1AP serve as demonstration marshals on January 5th? And, if
7 so, what did that entail?

8 A "Rules, First, and Fifth."

9 Q During this period, were you aware of or involved in any war-gaming efforts
10 to overturn the election results, including efforts based on the Willard Hotel, and
11 including efforts involving Rudy Giuliani, John Eastman, Sidney Powell, Christina Bobb, or
12 Maria Ryan?

13 A "Rules, First, and Fifth."

14 Q Have you ever communicated with members of the Trump White House, the
15 Trump campaign, or the Trump family about the election results?

16 A "Rules, First, and Fifth."

17 Q Moving ahead to January 6th, 2021. On January 6th, did you or anyone
18 affiliated with 1AP provide security to anyone?

19 A "Rules, First, and Fifth."

20 Q Let's pull up exhibit 10.

21 Mr. Luelsdorff, this is a tweet from somebody who appears to be a member of
22 1AP who says that they were in an overwatch position in Arlington on January 6th.
23 Were there 1AP in overwatch positions in Virginia? And, if so, why?

24 A "Rules, First, and Fifth."

25 Q Okay. Let's pull up exhibit 9.

1 This is a tweet from the 1AP official account at 4:13 p.m. on January 6th, shortly
2 after the Capitol had been breached. It says: The cost of truth is pain. The greater
3 the truth, the greater potential for pain.

4 Mr. Luelsdorff, what is the truth in this case?

5 A "Rules, First, and Fifth."

6 Q What is the pain in this case?

7 A "Rules, First, and Fifth."

8 Q Okay. We can take the exhibit down.

9 Mr. Luelsdorff, I have a set of questions about your activities on January 6th, 2021.
10 Is it your intention to assert the First and Fifth Amendment to any questions the
11 committee would have on this subject?

12 A Yes. "Rules, First, and Fifth."

13 Q Mr. Luelsdorff, what's your understanding of what happened on
14 January 6th?

15 A "Rules, First, and Fifth."

16 Q Did you engage in any activities between January 6th and the January 20th,
17 2021, to overturn the certified election results?

18 A "Rules, First, and Fifth."

19 Q Have you engaged in any activities since January 20th, 2021, to try to install
20 Donald Trump as President during this term?

21 A "Rules, First, and Fifth."

22 Q Can you describe your relationship with Robert Patrick Lewis since
23 January 6th?

24 A "Rules, First, and Fifth."

25 Q Michael Flynn?

- 1 A "Rules, First, and Fifth."
- 2 Q Joseph Flynn?
- 3 A "Rules, First, and Fifth."
- 4 Q Sidney Powell?
- 5 A "Rules, First, and Fifth."
- 6 Q John Eastman?
- 7 A "Rules, First, and Fifth."
- 8 Q Donald Trump?
- 9 A "Rules, First, and Fifth."
- 10 Q Have you been interviewed by law enforcement regarding your knowledge
- 11 of events in Washington, D.C., on January 6th, 2021?
- 12 A "Rules, First, and Fifth."
- 13 Q Have you been contacted by the FBI regarding January 6th?
- 14 A "Rules, First, and Fifth."
- 15 Q Following January 6th, 2021, have you been contacted by any attorneys
- 16 representing individuals charged with criminal conduct from that day?
- 17 A "Rules, First, and Fifth."
- 18 Q Mr. Luelsdorff, I have additional questions regarding contacts made by law
- 19 enforcement investigating the events of January 6th, 2021. Is it your intention to assert
- 20 the First and Fifth Amendment to all questions the committee would ask on that subject?
- 21 A Yes. "Rules, First, and Fifth."
- 22 Q Mr. Luelsdorff, are you familiar with the QAnon conspiracy theory?
- 23 A "Rules, First, and Fifth."
- 24 Q Michael Flynn seems to be a QAnon follower. Do you believe in QAnon
- 25 too?

1 A "Rules, First, and Fifth."

2 Q Do you believe the 2020 election was stolen?

3 A "Rules, First, and Fifth."

4 Q Do you believe Joe Biden is the legitimate President of the United States?

5 A "Rules, First, and Fifth."

6 Q Okay. Mr. Luelsdorff, a letter from your attorney, Ms. Gordon, dated
7 April 13th, 2022, and marked as exhibit 2 indicates that you refused to produce any
8 documents in response to the committee's subpoena in part based on Fifth Amendment
9 objections.

10 I will note for the record in this deposition that your attorney has previously
11 indicated that this objection applies to the act of production.

12 Ms. Gordon, did I get that correct?

13 Ms. Gordon. Yes. That's correct.

14 [REDACTED] Thank you.

15 At this point, Mr. Luelsdorff has asserted First and Fifth Amendment privileges as a
16 basis to refuse to answer all of the select committee's questions today. Under these
17 circumstances, we will not close the record on the deposition as the select committee
18 determines the appropriate course of action to move forward.

19 Before we go off the record and conclude for today, I will pause to see if any of my
20 colleagues wish to offer anything else?

21 Okay. At this time, the deposition will stand in recess subject to the call of the
22 chair.

23 Ms. Gordon. [REDACTED] I did want to make one final comment. Can you
24 hear me?

25 [REDACTED] Sure, and just to confirm we're still on the record?

1 The Reporter. Yes, sir, we are on the record.

2 Ms. Gordon. Yeah, thank you. As we did in Mr. Lewis' deposition, I want to
3 make clear that the primary problem that this group and these individuals have with
4 being deposed by the committee under the First Amendment is that it is compulsory.
5 Many of the questions that you have asked today, we would have been willing to provide
6 answers to in a voluntary setting. And, as you know, you and I were making efforts
7 toward arranging certain voluntary interviews, as opposed to a compelled subpoena
8 process.

9 And then, on the Fifth Amendment, again, we view this as being something that's
10 within the committee's control. They're the ones raising the specter of criminal
11 prosecution, not us. And so both of our objections could easily be overcome, but it
12 would require the committee to change its legal position versus -- vis-a-vis these two
13 individuals and the organization.

14 [REDACTED] Understood. Thank you for those comments. And, as I said,
15 we have received your letter, and we will be sending a response to you shortly. And I'll
16 be in touch with you soon about that.

17 Ms. Gordon. Thank you.

18 [REDACTED] All right.

19 Any further comments? Okay.

20 At this time, the deposition will stand in recess subject to the call of the chair.
21 And we'll go off the record at 2:30 p.m.

22 [Whereupon, at 2:30 p.m., the deposition was recessed, subject to the call of the
23 chair.]

1 Certificate of Deponent/Interviewee

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4 I have read the foregoing ____ pages, which contain the correct transcript of the
5 answers made by me to the questions therein recorded.

6

7

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10

Witness Name

11

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13

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Date

15